

ALLEGED SHIPMENT: Between the approximate dates of August 9 to September 12, 1944, by the West Central Cooperative Association, Benson, Minn.

PRODUCT: Butter: 29 boxes at New York, N. Y., and 13 boxes at Philadelphia, Pa., each box containing 64 pounds.

LABEL, IN PART: "Butter Distributed By Hunter Walton & Co. * * * New York, N. Y. [or "Distributed By C. G. Heyd & Co."]."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 6, 13, and 28, 1944. West Central Cooperatives, Inc., having appeared as claimant for the New York lots, and C. G. Heyd & Co., Philadelphia, Pa., having claimed the Philadelphia lot, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

7239. Adulteration and misbranding of butter. U. S. v. 60 Pounds and 47 Pounds of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 15030, 15031. Sample Nos. 75945-F, 75946-F.)

LIBEL FILED: October 25, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 12, 1944, by the Cloverland Dairy, from Flushing, Ohio.

PRODUCT: 107 pounds of butter, at Wheeling, W. Va.

Examination showed that the product was deficient in butter fat and that it was short-weight.

LABEL, IN PART: (Parchment wrapper) "One Pound Net Cloverland Brand Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Sections 403 (a) and (e), the wrappers enclosing the butter did not contain "One Pound Net," as labeled.

DISPOSITION: November 18, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

7240. Adulteration of butter. U. S. v. 117 Pounds of Butter. Consent decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 12790. Sample No. 46921-F.)

LIBEL FILED: April 27, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 1, 1944, by the Clinton Pure Butter Co., from Clinton, Iowa.

PRODUCT: 117 pounds of butter, at Morrison, Ill.

LABEL, IN PART: (Carton) "Neilsen's Quality Butter one pound."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the statement on the labeling, "one pound," was false and misleading as applied to the product, which was short-weight; and; Section 403 (e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: June 28, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to a public institution.

7241. Adulteration and misbranding of butter. U. S. v. Kilmer Creamery Co. Plea of guilty. Fine, \$300. (F. D. C. No. 12615. Sample Nos. 69209-F, 69210-F, 69214-F, 69215-F.)

INFORMATION FILED: November 27, 1944, District of Wyoming, against the Kilmer Creamery Co., a partnership, Lusk, Wyo.

ALLEGED SHIPMENT: Between the approximate dates of April 29 and May 8, 1944, from the State of Wyoming into the State of South Dakota.

LABEL, IN PART: (Cartons of portion) "One Pound Net When Packed W-Y-O Maid Creamery Butter." The remainder was unlabeled.

VIOLATIONS CHARGED: Adulteration (portion), Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding of labeled portion, Section 402 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons contained less than the stated amount.

DISPOSITION: December 8, 1944. A plea of guilty having been entered, a fine of \$100 on each count, a total of \$300, was imposed.

CHEESE, CREAM, AND MILK

7242. Adulteration and misbranding of Colby cheese. U. S. v. 117 Colby Cheeses. Consent decree of condemnation. Product ordered released under bond for reprocessing. (F. D. C. No. 13929. Sample No. 54872-F.)

LIBEL FILED: October 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about August 16, 1944, by Swift & Co., from Chicago, Ill.

PRODUCT: 177 24-pound Colby cheeses, at Milwaukee, Wis.

LABEL, IN PART: "Michigan Genuine Colby."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing excessive moisture had been substituted in whole or in part for Colby cheese, which the product purported to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for Colby cheese prescribed by the regulations, since it contained more than 40 percent of moisture, whereas the definition and standard provides that Colby cheese shall contain not more than 40 percent of moisture.

DISPOSITION: October 20, 1944. Swift & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for manufacture into processed cheese, under the supervision of the Food and Drug Administration.

7243. Adulteration of grated cheese. U. S. v. 16 Drums of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 12936. Sample Nos. 40453-F to 40456-F, incl.)

LIBEL FILED: July 12, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: Between March 24 and June 5, 1944, by the General Dairy, from Freeport, Ill.

PRODUCT: Grated cheese: 3 drums, each containing 100 pounds; 9 drums, each containing approximately 109 pounds; and 4 drums, each containing approximately 115 pounds, at Mayville, Wis.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7244. Adulteration of cream. U. S. v. 18 Cans of Cream. Product ordered destroyed. (F. D. C. No. 15034. Sample No. 85828-F.)

LIBEL FILED: September 14, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 10, 1944, by the Goshen County Creamery, from Torrington, Wyo.

PRODUCT: 18 10-gallon cans of cream, at Denver, Colo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

DISPOSITION: September 14, 1944. The consignee having consented to the entry of a decree, judgment was entered ordering that the product be destroyed immediately.

7245. Misbranding of dried skim milk. U. S. v. 114 Drums of Dried Skim Milk. Consent decree of condemnation. (F. D. C. No. 13959. Sample No. 80919-F.)

LIBEL FILED: On or about November 2, 1944, District of Kansas.